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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/320,921	05/27/1999	MICHAEL F. GUHEEN	AND1P104	5611

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EXAMINER

DIXON, THOMAS A

ART UNIT PAPER NUMBER

2161

DATE MAILED: 12/07/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

TR

Office Action Summary

Application No.

09/320,921

Applicant(s)

GUHEEN ET AL.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The new Declarations are acceptable.
2. IDS's #4, submitted 23 September 1999, #5, submitted 15 November 1999, and #7, submitted 2 August 2001 have been considered.

Drawings

3. This application has been filed with drawings which were objected to by the draftsman and are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

See attached form 948.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claim 1-6,8,10-15,17,19 rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al (5,819,092).

As per Claim 1.

Ferguson et al ('092) discloses:

- a) displaying a pictorial representation of an existing system including a plurality of components, see figures 3a, 7-13, also column 19, line 42 – Column 20, line 18;
- b) presenting information related to building the components of the existing system by indicia coding the components on the pictorial representation, see figure 3a (315,320,330);

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c) conveying information relating to managing the components of the existing system by indicia coding the components on the pictorial representation, see figure 3a (317);

d) presenting information relating to supporting the components of the existing system by indicia coding the components on the pictorial representation, see figure 3a (340, 362).

As per Claim 2.

Ferguson et al ('092) discloses all the limitations of claim 1.

Ferguson et al ('092) further discloses:

the building, management and support information presented and conveyed relates to deliverable features in a business offering, see figure 10 (product tips and tricks, product catalog, company newsletter, corporate information)

As per Claim 3.

Ferguson et al ('092) discloses all the limitations of claim 2.

Ferguson et al ('092) further discloses:

the features are listed in terms of the components to which each service relates, see figure 10 (product advice messages, product database, newsletter portable document, corporate information database).

As per Claim 4.

Ferguson et al ('092) discloses all the limitations of claim 3.

Ferguson et al ('092) further discloses:

the features included in the business offering are indicia encoded, see figure 10 (labeled boxes).

As per Claim 5.

Ferguson et al ('092) discloses all the limitations of claim 1.

Ferguson et al ('092) further discloses:

the components are selected from the group of components including security services, network services, web services, client services, integration capabilities, data services, directory services, management services, operations services and developer services, see figure 10.

As per Claim 6.

Ferguson et al ('092) discloses all the limitations of claim 1.

Ferguson et al ('092) further discloses:

the components are selected from the group of components including commerce-related services, content-related services, administration related services, customer related services and education related services, see figure 10.

As per Claim 8.

Ferguson et al ('092) discloses all the limitations of claim 1.

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Ferguson et al ('092) further discloses:

the existing system is a web architecture framework, see figure 11.

As per Claim 10.

Ferguson et al ('092) discloses the limitations of these claims as discussed in claim 1 above and is rejected for the same reasons.

As per Claim 11.

Ferguson et al ('092) discloses all the limitations of claim 10.

Ferguson et al ('092) in view of Blower, Jr et al ('952) disclose all the limitations as discussed in claim 2 above and is rejected for the same reasons.

As per Claim 12.

Ferguson et al ('092) discloses all the limitations of claim 11.

Ferguson et al ('092) in view of Blower, Jr et al ('952) disclose all the limitations as discussed in claim 3 above and is rejected for the same reasons.

As per Claim 13.

Ferguson et al ('092) discloses all the limitations of claim 12.

Ferguson et al ('092) in view of Blower, Jr et al ('952) disclose all the limitations as discussed in claim 4 above and is rejected for the same reasons.

As per Claim 14.

Ferguson et al ('092) discloses all the limitations of claim 10.

Ferguson et al ('092) in view of Blower, Jr et al ('952) disclose all the limitations as discussed in claim 5 above and is rejected for the same reasons.

As per Claim 15.

Ferguson et al ('092) discloses all the limitations of claim 10.

Ferguson et al ('092) in view of Blower, Jr et al ('952) disclose all the limitations as discussed in claim 6 above and is rejected for the same reasons.

As per Claim 17.

Ferguson et al ('092) discloses all the limitations of claim 10.

Ferguson et al ('092) in view of Blower, Jr et al ('952) disclose all the limitations as discussed in claim 8 above and is rejected for the same reasons.

As per Claim 19.

Ferguson et al ('092) discloses the limitations of these claims as discussed in claim 1 above and is rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7,9,16,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al (5,819,092) in view of Blower, Jr et al (6,323,952).

As per Claim 7.

Ferguson et al ('092) discloses all the limitations of claim 1.

Ferguson et al ('092) does not disclose:

wherein the indicia coding is selected from the group including texture coding, color coding and shading coding.

Blower, Jr et al ('952) teaches displaying texture, color or shading coding, see figure 2, for the benefit of distinguishing subsets of data in a summary histogram.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the invention of Ferguson et al ('092) to display texture, color or shading coding as taught by Blower, Jr et al ('952), see figure 2, for the benefit of distinguishing subsets of data in a summary histogram.

As per Claim 9.

Ferguson et al ('092) discloses all the limitations of claim 1.

Ferguson et al ('092) does not disclose:

a legend is presented.

Blower, Jr et al ('952) teaches displaying a legend, see figure 2, for the benefit of distinguishing subsets of data in a summary histogram.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the invention of Ferguson et al ('092) to display a legend as taught by Blower, Jr et al ('952), see figure 2, for the benefit of distinguishing subsets of data in a summary histogram.

As per Claim 16.

Ferguson et al ('092) discloses all the limitations of claim 10.

Ferguson et al ('092) in view of Blower, Jr et al ('952) disclose all the limitations as discussed in claim 7 above and is rejected for the same reasons.

As per Claim 18.

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Ferguson et al ('092) discloses all the limitations of claim 10.

Ferguson et al ('092) in view of Blower, Jr et al ('952) disclose all the limitations as discussed in claim 9 above and is rejected for the same reasons.

Prior Art Made of Record

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

WO 97/21179 is the closest foreign art, but does not disclose all the limitations of the claims.

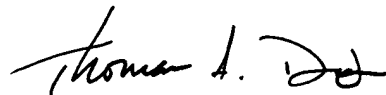
Smith et al is the closest non-patent literature which discloses performance engineering of object-oriented systems, but does not disclose all the limitations of the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7293 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read "Thomas A. Dixon". The signature is stylized with a large initial "T" and a cursive "D".

Thomas A. Dixon
Examiner
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December 3, 2001